

GOVERNMENT OF THE DISTRICT OF COLUMBIA
TAXI CAB COMMISSION MINUTES
REGULAR MEETING & PUBLIC HEARING
FULL COMMISSION
WEDNESDAY, APRIL 11, 2007

MEMBERS PRESENT:

Interim Chairperson:	Doreen E. Thompson, Esq.
Commissioners:	A. Cornelius Baker William Henry Carter IV Inder Raj Pahwa Stanley W. Tapscott Theresa Travis

Interim General Counsel and Secretary: **Marceline D. Alexander, Esq.**

A. CALL TO ORDER, MOMENT OF SILENCE & DETERMINATION OF QUORUM:

Interim Chairperson, Doreen E. Thompson, called the meeting to order at 10:04 a.m. and asked Commission members to introduce themselves to the public and to indicate the panel on which they serve. Following a moment of silence, and, in particular, for a taxi driver who was involved in an accident in which several people lost their lives, **Interim General Counsel and Secretary, Marceline D. Alexander**, conducted a roll call and determined that there was a quorum present for the transaction of business.

B. COMMUNICATION FROM THE INTERIM CHAIRPERSON:

1. Panel Meetings

Interim Chairperson Thompson informed members of the public that the Commission is holding monthly panel meetings. These are public meetings. All decisions of the Commission are made in a public forum.

2. FY 2008 Budget Oversight Hearing

Interim Chairperson Thompson highlighted several issues that were discussed during the Commission's FY 2008 Budget Oversight Hearing, including the status of the pre-licensing examination; the impact of the DMV legislation, which limits the registration of non-resident vehicles; and federal legislation requiring the District of Columbia to go to meters. **Interim Chairperson Thompson** emphasized that she understood that the industry unequivocally wants the Commission to make a recommendation to the Mayor one way or the other on the issue of meters. Accordingly, over the next months, the **Commission** will gather data in preparation for making this recommendation.

3. **Commission's Handicap-Accessible Policy**

The Office distributed a handout "The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service", published by the Easter Seals Project Action and the Taxicab, Limousine & Paratransit Association, which outlines the federal rights of persons with disabilities to access taxicab transportation. **Interim Chairperson Thompson** emphasized that the industry needs to comply with the American with Disabilities Act. She also stated that the handicap community has expressed a concern that since the District's taxicab industry does not have vehicles which accommodate motorized wheelchairs, the Commission should simplify its current policy of allowing District residents/visitors to access Maryland and Virginia vehicles. In addition, during the FY 2008 Budget Oversight Hearing, Chairman Graham suggested that the Commission allow handicap persons to make these arrangements directly. The Commission's current policy requires that persons using motorized vehicles contact the Office of Taxicabs to arrange for taxicab service by Maryland and Virginia taxicabs.

FOLLOW-UP ACTION: **Interim Chairperson Thompson** will discuss recommendation to simplify this process with the Commission and also ensure that taxi-drivers are aware that they are required to transport passengers traveling in collapsible wheelchairs. This will require the Office to undertake an educational outreach effort for drivers. The Office will also distribute additional educational materials to drivers and taxicab companies. Lastly, the Office will create a task force of representatives from industry and the handicap community to address the issue of handicap-accessible vehicles in the District.

4. **Council Hearing –May 18, 2007** **Meeting of Regional Taxicab Administrators-May 17, 2007**

Interim Chairperson Thompson indicated that on May 18, 2007, Council-member Jim Graham will hold a hearing to introduce legislation to authorize the approval for registration of non-resident vehicles as taxicabs in the District. She also announced that the Regional Taxicab Administrators' group will be meeting on May 17, 2007 at the Council of Governments. One of the things that the group is looking at is the 1997 Reciprocity Agreement. This is a public meeting and the public is welcome to attend.

5. **Taxicab Driver Pre-Licensing Examination**

In response to the concerns expressed by **Mr. Jose Portillo**, a member of the public, as to when the Pre-Licensing examination will re-open, **Interim Chairperson Thompson** informed him that the Commission is diligently working to reinstate the examination. The Committee on Education (Advisory Task Force) is reviewing the test questions and working out the logistics for getting the examination up and running. The goal is to resume testing before the end of the calendar year and an announcement is forthcoming.

6. **Passenger's Rights Update**

Interim Chairperson Thompson informed members of the Commission and the public that the Passenger's Rights document has been updated to incorporate the name of the current Mayor, and that the revised document does not contain any new information but reflects changes to the rulemaking on "wait time".

C. COMMUNICATION FROM THE COMMISSIONERS:

George Washington University (GWU) Meter Study

Commissioner Tapscott inquired as to when the Commission would hold meetings on this Study to get public input, and several Commissioners expressed concern about the lack of input or role that the full commission played in the decision to undertake the study or the selection of group to conduct the study. **Interim Chairperson Thompson** stated that it was her understanding that initially three (3) universities were slated to participate in the study, but GWU was the only university that continued. She added that releasing the study to the public is premature because the full commission still has to review responses to outstanding questions posed to the GW graduate students preparing the report. The full commission also needs to fully evaluate the report and formulate a response to the report. Once the report has been accepted by the full commission, the report can be made available to the public for comment.

Interim Chairperson Thompson reminded Commission members and the public that the Commission is also responsible for making a recommendation to Mayor Fenty whether the District should opt-out of federal legislation requiring taxicabs in the District to use meters. According to the terms of the rider attached to the District's FY 2007 Appropriations Bill, "not later than one year after the enactment of the Appropriations Bill, the District of Columbia shall require that all taxicabs licensed in the District of Columbia to charge fares by a metered system unless that Mayor of the District of Columbia exempts the District of Columbia from the requirement by issuing an executive order that specifically states that the District of Columbia opts out of the requirement to implement a metered fare system for taxicabs".

Commissioner Baker stated that the GW students were highly amenable to trying to address the issues that the Commission raised--primarily that the average income of a driver not be affected whether using the current zone rate system or a meter rate system. He noted that this does not mean individual fares will not change and added that the goal of the Commission is to try to strike a balance so that the District has a "drop rate" that is fair to people going short distances and a distance rate that is fair to people going longer distances. He also expressed a desire to schedule public hearings in the early evenings to allow members of the Commission, drivers and the riding public an opportunity to comment on the study and participate in the discussion. **Commissioners Tapscott and Travis** stressed the need for public hearings.

Public Comments:

Several members of the public questioned whether going to meters would reduce instances of drivers' cheating passengers on fares while others supported the maintaining the existing zone system.

FOLLOW-UP ACTION: The Commission will complete its evaluation of the report and formulate a response. Once the report has been accepted by the full commission, the report will be made available to the public for comment. Commission will schedule public hearings in the early evening to allow members of the Commission, drivers and the riding public an opportunity to comment on the study and participate in the discussion.

D. COMMUNICATION FROM THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION (DDOT):

Interim Chairperson Thompson indicated that whether the District of Columbia has enough taxi stands is a continuing issue, particularly since there is legislation and regulations in effect that prohibit loitering. Accordingly, the **Commission** needs to assess the adequacy of the taxi stands in the District. She further indicated that the Commission's hack inspectors, at her direction, conducted a preliminary study of the number and capacity of the taxi stands in the District. These findings were sent to the DDOT along with traffic signage issues raised by taxicab drivers. These include: the perception that signage and rules do not take into consideration taxis as an alternative form of transportation; and streets or lanes that say "Bus Only," which could and should take into account the fact that taxi drivers also need access.

To respond to these concerns, **Mr. Derrick Hardy**, of the DDOT Traffic Operations, Traffic Services Administration, which is responsible for all the traffic regulations and curbside management in DDOT, fielded questions relating to turn regulations, taxicab stands, and the "bus only" lane issue. **Mr. Hardy** reported that the taxicab stand at RFK Stadium has been installed on the south side of East Capitol Street between 19th and 22nd Street. It has been in place for approximately three (3) months and can handle approximately twelve (12) cars. The only issue relating to this stand is that MPD controls this area during games and could decide to close the stand due to other issues.¹

Comments From the Commissioners and the Public

Commissioner Tapscott expressed concern that cabs coming in off the street could take patrons from cabs waiting at the RFK Stand. **FOLLOW-UP ACTION:** **Mr. Hardy** indicated that DDOT will give the public more information about the location of the taxi stand and work

¹ According to **Mr. Hardy**, the taxi stand has been closed four (4) times in two years. On those occasions, the President or some other important dignitary either has been attending events at the stadium or traveling in close proximity to the area.

with the Metropolitan Police Department to see that they direct people to the site of the taxi stand and prevent them from closing it off.

An unidentified member of the public stated that the “bus only” lane on 9th Street is causing problems for taxis as taxicabs need to get to the curb to pick up and drop off patrons and the police are issuing tickets to cabs trying to get through these areas. **Mr. Hardy** responded stating that cabs can cross the “bus only” lane to go to the curb.

Commissioner Baker stated that the “bus only” lane should be used to encourage public transit for buses, taxis and bicycles. He inquired about the process for re-evaluating “bus only” lanes and how effective they have been. **Mr. Hardy** explained that persons could communicate concerns by calling 727-1000, writing a letter to the Director of DDOT or directly contacting individual ward members at DDOT and notifying them of their issue or concern. **FOLLOW-UP ACTION: Interim Chairperson Thompson** asked Mr. Hardy to look at the issue of turn restrictions and forward a copy of the report she sent to DDOT concerning this issue to the appropriate staff for consideration. **Mr. Hardy** agreed to the following: (a). forward the requests to DDOT’s ward based teams to have these and other restrictions re-evaluated (b). to take a look at street configuration and get back to the Commission. (c) to speak with DDOT policy staff regarding problems taxi drivers are experiencing responding to locations that are subject to rush hour restrictions and which prohibit taxis from traveling into these areas. **Commissioner Tapscott** suggested that the restriction not apply to public vehicles for hire.

Mr. Ted King, Taxi driver District 546, asked whether DDOT had plans to set up a taxi stand in Adams Morgan. He also reported that a restaurant owner indicated that DDOT had plans to extend the west side of the sidewalk on 18th Street ten (10) feet out, the east side of the sidewalk of 18th Street by four (4) feet, eliminating back-in parking and allowing only parallel parking. He observed that such a plan would help business owners, but not taxi drivers. **Mr. Hardy** responded stating that this is only a proposal and nothing has been set in concrete. He also stated that Council-member Graham is proposing to put intersection control officers on 18th Street in that area to move the traffic through on a smoother basis, but no permanent configuration has been signed off. Hearings on this proposal are underway and DDOT and the Department of Public Works (DPW) are working together on some night intersection control to ensure a smooth transition through the Adams Morgan area. **FOLLOW-UP ACTION: Interim Chairperson Thompson** will get in touch with Council-member Graham's staff to get more information regarding this issue and will follow-up with DDOT in terms of getting these issues addressed.

In response to a question by **Philip Lebet**, Taxi driver and Corporate Secretary to Diamond Cab Company, as to whether police departments have authority to unilaterally alter traffic signs, **Mr. Hardy** indicated that only DDOT can alter permanent signs. **Mr. Lebet** identified such a sign located Eastbound on Independence Avenue that has been altered. **FOLLOW-UP ACTION: Mr. Hardy** indicated that he will have the sign replaced. He also agreed to give Mr. Lebet the contact numbers of DDOT’s Ward planners so Mr. Lebet and any other Ward 5 resident could be kept abreast of all projects in the Ward.

Interim Chairperson Thompson informed Mr. Hardy that Commission's regulations provide that the Commission advise DDOT on issues such as taxi stands and signage. and that the Commission wants to work with DDOT to understand the process by which decisions are arrived and addressed. **Mr. Hardy** stated that any request for a taxi stand must be initiated by a notice of intent, which gives 30 business days notice to the public. **FOLLOW-UP ACTION:** **Mr. Hardy** agreed to copy the Commission on all "notices of intent" so the Commission is afforded an opportunity to comment on proposed actions. **Interim Chairperson Thompson** also committed to getting this information out to the public and members of the industry, and encouraged the public to get concerns regarding specific traffic issues to her attention so that this can be sent to DDOT.

E. PANEL REPORTS:

Panel on Rates and Rules

a. **New Taxi Zone Map**

Interim Chairperson Thompson reported that the taxi zone map that was recommended by the D.C. Department of Transportation is still with the Commission's **Panel on Rates and Rules**, whose members had a number of concerns and recommended several changes to its design. One of the recommendations from the Panel is to ensure that the zone outlines are clearly defined so that streets which appear to pop up on the map were not confused with the zone boundaries. **Interim Chairperson Thompson** is working with the map's designer to address the concerns expressed by the Panel members.

b. **Petition for Fuel Surcharge**

Interim Chairperson Thompson indicated that the Petition for a Fuel Surcharge, submitted by Mr. John Bugg, was given to the Panel on Rates and Rules (Panel) for consideration. She further indicated that it has been the practice of the Office of Taxicabs since 2004 to monitor and record the average price of gasoline in the District every Monday. and that last fall, the Commission received a similar request for a gasoline surcharge. She then listed the recent history surcharges and rate increases: in May 2005, the Commission authorized a gas surcharge of \$1.00. The Commission followed the May 2005 surcharge with a September 2005 gas surcharge of \$1.50. The Commission followed the September 2005 gas surcharge with an across the board fare increase in January 2006 of 10-18 percent (%), months earlier than it was required to consider a fare increase.

She indicated that when the Panel met on March 27, 2007, gasoline prices were below where they were when the Commission last authorized a fare increase. However since that time, gasoline prices have continued to rise and are poised to go above the price in effect when the last fare increase was approved. She further stated that surcharges have typically been in effect for 120 days and that one of the dilemmas the Commission faces is trying to predict whether gasoline prices are in an upward spiral while at the same time trying to strike a balance between the needs of drivers and the interests of the riding public.

RECOMMENDED ACTION: **Interim Chairperson Thompson** recommended that the Panel meet again on April 18, 2007 and reconsider the petition for a fuel surcharge as well as the issue of rates. Members of the public and interested individuals were invited to attend the Panel meeting. Commissioner Tapscott also suggested that the Panel examine the overall rate structure

Public Comment:

Ms. Carolyn Robinson, independent operator and **Mr. Nathan Price**, independent owner and operator, asked that the Commission consider an emergency rulemaking and move directly to considering a fare increase.

F. CONSENT CALENDAR ITEMS :

1. Adoption of February 14, 2007 Minutes of the Full Commission Meeting.

ACTION TAKEN: On Commissioner Tapscott's Motion and Commissioner Pahwa's Second, the February 14, 2007, minutes of the full commission meeting were approved by the Commission. Commissioner Travis abstained.

2. Approval of Final Rulemaking: Chapter 1 of Title 31 DCMR, (31 DCMR 111.3).

ACTION TAKEN: On Commissioner Tapscott's Motion and Commissioner Carter's Second with the proviso that the rulemaking be read into the record for the benefit of all, Chapter 1 of Title 31 District of Columbia Municipal Regulations (DCMR), 31 DCMR § 111.3, was unanimously approved by the Commission. The rulemaking amends 31 DCMR § 111.3, Policy and Programs, by changing the number of commissioners required for the Chairperson to obtain approval for ceremonial action taken when a Commission special or regular meeting is not feasible from seven (7) to a majority of Commissioner's in office.

3. Approval of New Companies.

ACTION TAKEN: On **Commissioner Tapscott's** Motion and **Commissioner Baker's** Second, the Commission unanimously approved the following six (6) companies to serve as taxi companies: Metropolitan Cab Company; Trust Cab Company; Unity Cab Company; Prince Cab Company; Lion Cab Company; and, Prime Cab Company.

Commissioner(s) Comments

Commissioner Tapscott asked what the Commission could do to limit the number of new taxicab companies operating in the District. He stated that the number of colors for new companies is almost exhausted, while at the same time, none of the companies are bringing in new drivers. He also asked whether it was improper for him to make a

motion that the Commission not authorize any new companies, or in the alternative place a moratorium on new companies.

Interim Chairperson Thompson expressed concerns regarding the legality of placing limits on the entry of new companies. She noted that, while **Commissioner Tapscott's** point regarding the exhaustion of color schemes for new taxi companies raised practical considerations, the Commission's regulations or law do not specifically authorize the Commission to take such action. She stated that there may have to be some change in legislation and asked for time to research the issue of what options are available to the Commission before placing the issue of a moratorium before the Commission. She further asked that the Office be given time to review the legal implications of such an action and brief the Commission on this issue. **FOLLOW UP ACTION:** **Interim Chairperson** and **Interim General Counsel** will examine the legal implications of the Commission not licensing new companies in the District of Columbia and consult with the Office of the Attorney General for the District of Columbia (OAG).

**G. ADJOURNMENT OF THE FULL COMMISSION MEETING &
OPENING OF PUBLIC HEARING:**

**Public Hearing on Proposed Rulemaking- Amendment to Chapter 12 of Title 31
DCMR, 31 DCMR § 1201.7**

Interim General Counsel and Secretary Marceline D. Alexander read the proposed rulemaking which requires limousine operators to maintain a written or printed manifest of their itinerary. No comments were received from the public requesting any changes to the proposed rulemaking.

H. NEXT MEETING:

Before the meeting adjourned, **Commissioner Travis** informed members of the public that her term expires effective May 4, 2006. Although her replacement has not been confirmed or sworn in, she stated that she felt truly rewarded serving the District of Columbia and the taxi industry. She stated that she did the best job that she could in trying to carry out her duties and responsibilities as a Commissioner on the D.C. Taxicab Commission. **Interim Chairperson Thompson** thanked her for her service and indicated that the Commission would recognize her and **Commissioner Tapscott** in a more formal way. **Interim Chairperson Thompson** adjourned the meeting at 12:26 p.m. and announced that the next meeting of the full commission will be on Wednesday, May 9, 2007 at 10:00 a.m.